

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Miles et al. Art Unit : 3732
Serial No. : 10/759,811 Examiner : Patel, Yogesh P.
Filed : January 16, 2004 Confirmation No.: 8249
Notice of Allowance Date: February 1, 2010
Title : SURGICAL ACCESS SYSTEM AND RELATED METHODS

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO SUPPLEMENTAL NOTICE OF ALLOWANCE AND COMMENTS ON
STATEMENT OF REASONS FOR ALLOWANCE**

In response to the Notice of Allowance mailed February 16, 2010, Applicants submit the following comments. Applicants recognize that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. In the above-referenced application, Applicants do not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. Applicants submit that the claims are patentable for other reasons—including the inventive combination as a whole of the recited claim elements in each of the claims. In addition, the Applicants expressly note that system claim 1 has a different scope than method claim 16. For example, system claim 1 recites structural elements that are not recited in method claim 16, and method claim 16 recites functional features that are not recited in claim 1. The Examiner is invited to contact the undersigned attorney in the event that there are any questions regarding the differing scope between claims 1 and 16.

The \$1510.00 issue fee and \$300.00 publication fee were previously charge to Deposit Account No. 50-2040 for Customer No. 30,328 in accordance with the February 3, 2010 issue fee transmittal form PTOL-85b. Prompt issuance of the allowed claims is respectfully requested. If necessary, please apply any other charges or credits to Deposit Account No. 50-2040.

Respectfully submitted,

Date: February 22, 2010

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